Amendments to the Claims:

The following listing of claims replaces all prior versions and listings of claims in the application:

1. (Currently amended) A chimeric polynucleotide comprising a nucleic acid sequence encoding an erythropoietin polypeptide attached to a 5'-UTR sequence ~~as set forth by~~ comprising SEQ ID NO:6 or 7.

2. (Currently amended) The chimeric polynucleotide of claim 1, wherein said nucleic acid sequence includes an adenine as part of a guanine-guanine-adenine triplet encoding glycine at position 2 of said erythropoietin polypeptide ~~SEQ ID NO:10~~.

3-4. (Canceled)

5. (Currently amended) The chimeric polynucleotide of claim 1, wherein said nucleic acid sequence ~~is set forth by~~ comprises SEQ ID NO:11.

6. (Currently amended) The chimeric polynucleotide of claim 1, wherein said nucleic acid sequence ~~is set forth by~~ comprises SEQ ID NO:12.

7. (Original) A nucleic acid construct comprising the chimeric polynucleotide of claim 1.

8. (Original) The nucleic acid construct of claim 7, further comprising a promoter for directing expression of the chimeric polynucleotide in eukaryotic cells.

9. (Original) The nucleic acid construct of claim 7, further comprising a promoter for directing expression of the chimeric polynucleotide in mammalian cells.

10. (Currently amended) The nucleic acid construct of claim 9, wherein said promoter is selected from the group consisting of SV40 promoter, CMV promoter, adenovirus major late promoter, and Rous sarcoma virus promoter.

11. (Original) The nucleic acid construct of claim 8, further comprising a dihydrofolate reductase expression cassette positioned under a control of a thymidine kinase promoter.

12. (Currently amended) A eukaryotic cell ~~culture~~ comprising the chimeric polynucleotide of claim 1~~, genetically modified to produce at least 150 international units of erythropoietin per milliliter medium per 48 hours~~.

13. (Currently amended) The cell ~~culture~~ of claim 12, ~~wherein said cells are of a~~ which is of mammalian origin.

14-21. (Canceled)

22. (New) The chimeric polynucleotide of claim 1, wherein said 5'-UTR sequence consists of SEQ ID NO:6 or 7.